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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,583	06/21/2002	Wilhelm Claessen	4322/PCT	4868
21553	7590	02/10/2004	EXAMINER	
FASSE PATENT ATTORNEYS, P.A. P.O. BOX 726 HAMPDEN, ME 04444-0726			SAVAGE, MATTHEW O	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/088,583	Applicant(s) CLAESSEN ET AL.	
	Examiner Matthew O Savage	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 15-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-18-02</u> . | 6) <input type="checkbox"/> Other: ____. |

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s):

The arrangement for vertically adjusting and pivoting the switching device recited in claims 18 and 19;

The connecting brackets recited in claim 15;

The switching surfaces recited in claim 18;

The arrangement for cleaning a number of filter cloths that is smaller than the number of receiving elements as recited in claim 21.

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The term "recuperating elements" on lines 2-3 of claim 17;

The term "switching elements" recited on line 7 of claim 18;

The term "latching device" recited on lines 2-3 of claim 25.

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15, 16, 18, 19, and 24-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The structure of the "connecting brackets" recited in claims 15 and 18 have not been adequately disclosed.

The arrangement of the unlatching device including the structure for vertically adjusting the unlatching device, the connecting brackets, contact surfaces, and switching surfaces recited in claim 18 have not been adequately disclosed.

The structure of the runners as well as the structure to swivel the runners and unlatching device recited in claim 19 has not been adequately disclosed. Finally, the structure of the latching device recited in claim 25 has not been adequately disclosed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, and 15-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Concerning line 9 of claim 1, "the carriers" and "the face side" lacks antecedent basis. In addition, it is unclear as to which element the "face side" is associated with.

On line 2 of claim 2, "the upper horizontal longitudinal beams" lack antecedent basis.

On lines 6-7 of claim 15, "the connecting brackets" lack antecedent basis.

Concerning lines 4, 6, and 7 of claim 20, "the connecting brackets", "the contact surfaces", and "the switching surfaces" lack antecedent basis. In addition, it is unclear as to whether "filter plate (6) each" implies "each filter plate" on line 9.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 55-33642.

With respect to claim 1, JP '642 discloses a filter press (see FIG. 2) including a holder 23, a support plate 21, a displaceable pressure plate 24 and a packet of vertical filter plates 2 arranged between the support plate and the pressure plate, each filter chamber situated between two filter plates 2 including a filter cloth 1 guided in an S-shaped manner around two horizontally oriented reversing bodies 7, 8 (see FIG. 5) and with the reversing bodies being movable vertically and relative to the allocated filter cloths by means of two lifting elements 44, 45 of a lifting apparatus (see FIG. 3), the

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lifting apparatus being arranged on two opposite longitudinal sides of the filter press and being couple to the carriers 11 of the reversing bodies, the carriers protruding face side, the lifting apparatus extending in total in the direction of a longitudinal axis over a partial zone of the length of the filter plate packet (see FIG. 2) and being movable relative to the lifting apparatus merely in the vertical direction.

Claims 1, 2, 15-17, 23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 44-33646.

With respect to claim 1, JP '646 discloses a filter press (see FIG. 1) including a holder 8, a support plate 1, a displaceable pressure plate 2, and a packet of vertical filter plates 3 arranged between the support plate and the pressure plate, each filter chamber situated between two filter plates 3 including a filter cloth 14 guided in an S-shaped manner around two horizontally oriented reversing bodies 36, 38 (see FIG. 9) and with the reversing bodies being movable vertically and relative to the allocated filter cloths by means of two lifting elements 17 of a lifting apparatus (see FIG. 3), the lifting apparatus being arranged on two opposite longitudinal sides of the filter press and being couple to the carriers 33 of the reversing bodies, the carriers protruding face side, the lifting apparatus extending in total in the direction of a longitudinal axis over a partial zone of the length of the filter plate packet (see FIG. 1) and being movable relative to the lifting apparatus merely in the vertical direction.

Concerning claim 2, JP '646 discloses a lift truck 10 displaceable on the upper longitudinal beams 8 of the holder and provided with two vertically aligned side parts 17

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that extend laterally next to the filter plate packet in which the lifting elements are guided.

As to claim 15, JP '646 discloses lifting elements provided with receiving elements 27 (see FIG. 7) with a central distance corresponding to the distance of the carriers 33 of the reversing bodies present when two adjacent filter plates are spaced at a distance defined by the connecting brackets 54 (see FIG. 3), the total number of filter plates corresponding to an integral multiple of the number of the receiving elements 27 of the lifting elements 17 (see FIG. 1).

Regarding claim 16, JP '646 discloses the carriers 33 as being arranged as pins (see FIGS. 8 and 10) and the receiving elements 27 arranged as tappets 32 (see FIG. 7) which extend in an upwardly perpendicular manner from a horizontally aligned 29 of the lifting element.

Concerning claim 17, JP '646 discloses the lifting elements as including recuperating elements 31 that produce a positive locking connection with the carriers during the downward movement of the lifting elements.

Regarding claim 23, JP '646 discloses a transport device 9 for displacing one or several filter plates fastened to the lifting apparatus when the same is stationary in the longitudinal direction of the filter press.

Concerning claim 25, JP '646 discloses the lift truck as being provided with a latching device 27a (see FIG. 5) with which the filter plate which is adjacent to the section of the filter plates currently to be emptied can be fixed relative to the lift truck.

Claims 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if amended to overcome the rejections under 35 U.S.C. 112, second paragraph.

Claims 18, 19, 24, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if amended to overcome the rejections under 35 U.S.C. 112, first and second paragraphs.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Savage

Matthew O Savage
Primary Examiner
Art Unit 1723

mos

January 30, 2004